

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

AMAL ASAD,
Charging Party

HRB CASE NO. 0131015718

-v-

JC PENNY,
Respondent

ORDER
FINAL AGENCY DECISION

Charging Party, Amal Asad (Asad), filed a complaint with the Department of Labor and Industry (Department) alleging discrimination in employment on the basis of age, sex, national origin, race, religion, and retaliation. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Asad's allegations that Respondent, JC Penny, discriminated against Asad. The Department issued a Notice of Dismissal. Asad filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on July 19, 2013. No oral argument was requested for this hearing.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA*. If a charging party fails to commence a civil action within 90 days, their claims are time barred. *Id.*

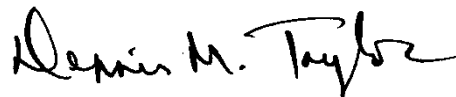
Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA*. This review

must be requested within 30 days of the date of this order. A party must promptly serve copies of a petition for judicial review upon the Human Rights Commission and all parties of record.

Section 2-4-702(2), MCA.

IT IS HEREBY ORDERED, that Amal Asad's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against JC Penny.

DATED this 22nd day of July, 2013.

A handwritten signature in black ink, reading "Dennis M. Taylor". The signature is written in a cursive, flowing style. The first name "Dennis" is written with a large, prominent "D". The middle initial "M." is written in a smaller, more compact script. The last name "Taylor" is written with a large, prominent "T" and a long, sweeping tail that extends to the right.

Dennis M. Taylor, Chair
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 22nd day of July, 2013.

AMAL ASAD
700 COYOTE COURT
GREAT FALLS, MT 59404

MERRILL DAILY
JC PENNY
LEGAL DEPARTMENT
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Annah Smith, Legal Secretary
Montana Human Rights Bureau